

Amendment
U.S. Appl. No.: **10/544,209**
Attorney Docket No. **052731**

REMARKS

By the present amendment, claim 1 has been amended to replace “at least one of the following” by “the following actions”.

Further, the claims have been amended to replace pronouns by corresponding nouns and address antecedent basis objections.

Entry and consideration of the amendments is respectfully requested. Namely, withdrawal of the finality of the Office Action is respectfully requested, as set forth below. In the alternative, it is submitted that the present amendment restores the alleged previous interpretation of claim 1, so that it does not raise any new issues and should be entered and considered after a final Office Action.

Claims 1-17 are pending in the present application. Claim 1 is the only independent claim.

I. **Request and petition to withdraw finality of the Office Action**

This Office Action is made final even though it includes new rejections. It is alleged in the Office Action that the new rejection was caused by a “drastic change” in the scope of claim 1 by amendment in the last response.

Reconsideration and withdrawal of the finality is respectfully requested. The new rejection is not a result of the amendment to claim 1 in the last response, but it is a result of the previous rejection being overcome by antedating the reference used in that previous rejection.

Namely, the amendment in the last response changed “making it possible, in particular to [perform action 1], [perform action 2], [perform action 3], or [perform action 4]” to “so as to

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perform **at least one of** the following: (i)... (ii)... (iii)..., **and** (iv)."

Since the original recitation used "or," it is submitted that the scope of claim 1 before and after the amendment in the last response is unchanged, i.e., definitely not a "drastic change" in scope.

In addition, in the first Office Action, reference was made to paragraph [0014] of US20050173977 to Fischer ("Fischer"), which only discusses a "parking brake system," and in particular, no action when the vehicle is moving. Thus, it is reasonably understood that in the previous Office Action, the last clause of claim 1 was being interpreted as reciting a choice among the various actions recited (i.e., "or").

In summary, it is submitted that the new rejection is a result of the previous rejection (in the first Office Action) being overcome by antedating the Fischer reference cited in that first Office Action. In such case, a second Office Action should not be final and Applicant should be given a fair opportunity to address the rejections in a non-final Office Action. See 37 C.F.R. 1.104 and 1.111-1.113 and MPEP 706.07.

In view of the above, it is submitted that the finality of this Office Action should be withdrawn.

A Petition for review of the finality is submitted along with this request for reconsideration.

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II. Indefiniteness rejection

In the Office Action, claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as indefinite.

First, in the Office Action, it is alleged that the following terms in the claims are indefinite:

- “such as, for example”
- “the latter”
- “this”
- “when appropriate”
- “making it possible in particular”
- “its”
- “and/or”

Second, in the Office Action, it is alleged in the Office Action that various terms are introduced with the article “the” so that they lack antecedent basis (our proposed changes are in parentheses).

Third, in the Office Action, it is alleged in the Office Action that “the sensor” in claim 10 is unclear as to which sensor is being referred to.

Fourth, in the Office Action it is alleged in the Office Action that the expression “a sensor of the displacement of the wheels of the vehicle with respect to the body of the latter” in claim 1 is unclear as to whether this means “turning a corner” or “slope sensor.”

Reconsideration and withdrawal of the rejection is respectfully requested. The claims have

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been amended as follows.

First, claim 1 has been amended to replace “the latter” by “the vehicle”, claim 5 has been amended to replace “its coherence” by “the coherence of the calculated slope”, and claim 13 has been amended to replace “this lever” by “the selecting lever”.

Second, the claims have also been amended as follows:

- Claim 1: “the various sensors” replaced by “the plurality of sensors” (introduced at the beginning of the clause)
- Claim 6: “the” deleted before “sensors of the displacement of the front and rear wheels” (these specific sensors have not yet been introduced in claims 1 and 4)
- Claim 7: “the” replaced by “a” before “global braking effectiveness”
- Claim 8: “the” replaced by “a” before “zone of braking noise”
- Claim 9: “the noise zone” replaced by “the zone of braking noises” (introduced in claim 8)
- Claim 12: “the” replaced by “a” before “control button”
- Claim 13: “the” replaced by “a” before “selecting lever”
- Claim 14: “the” deleted before “case of overloading”

Further, it is submitted that N is clearly the number of tops per revolution of the sensor whose measurement is used to calculate the deceleration value according to the formula, and R, N, and Tn, Tn-1 are simply definitions of the parameters in the formula. Accordingly, these recitations have simply been amended to delete “the” before “wheel” and before “sensor” in the definitions.

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Fourth, the objection to the term “displacement” is respectfully traversed. It is submitted that the term “displacement” is conventional for this standard measurement in a suspension, i.e., the wheel travel. Thus, this measurement is clearly understood by the person of the art, not as an angle or a slope, but as a distance of travel between the position of the wheel away from the vehicle body and the position of the wheel close to the wheel body, which varies with the movements of the suspension.

In view of the above, it is submitted that the rejection should be withdrawn.

III. Art rejection

In the Office Action, claims 1-3, 7-8, and 13-17 are rejected under 35 U.S.C. 103(a) as obvious over US 6,019,436 to Siepker (“Siepker”) in view of US 6,199,964 to Ota et al. (“Ota”).

Reconsideration and withdrawal of the rejection is respectfully traversed. Claim 1 has been amended to replace “at least one of the following” by “the following actions”.

It is submitted that Spieker focuses on static situations only (i.e., a parking brake). In addition, since it is alleged in the Office Action that the present rejection was necessitated by reciting “at least one of the following” (which causality Applicant deny, as discussed in details above in Part I), it is submitted that the above amendment renders the rejection moot.

In view of the above, it is submitted that the rejection should be withdrawn.

Conclusion

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

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In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

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